

27 MAR 2003



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

Quarles & Brady LLP  
411 East Wisconsin Ave.  
Milwaukee, WI 53202-4497

In re Application of SCHANKE :  
U.S. Application No.: 09/979,518 :  
Int. Application No.: PCT/US00/13960 : COMMUNICATION  
Int. Filing Date: 19 May 2000 :  
Priority Date: 22 May 1999 :  
Attorney Docket No.: 310307.90134 :  
For: REVERSE TRANSCRIPTION ACTIVITY :  
FROM *BACILLUS STEAROTHERMOPHILUS* :  
DNA POLYMERASE IN THE PRESENCE :  
OF MAGNESIUM :

This is in response to applicant's "Response to Notification of Defective Response" filed 05 June 2002.

### **BACKGROUND**

On 19 May 2000, applicant filed international application PCT/US00/13960, which claimed priority of an earlier United States application filed 22 May 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 30 November 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 22 November 2001.

On 16 November 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 11 January 2002, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that, *inter alia*, an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 10 April 2002, applicant filed a declaration executed by "Judith Meis".

On 07 May 2002, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declaration filed 10 April 2002 was improper.

On 05 June 2002, applicant filed the present response, including a declaration executed by "Judith Meis".

### **DISCUSSION**

The inventor's name in international application PCT/US00/13960 is listed as "Judith Schanke", whereas the inventor's name on the declaration is listed as "Judith Meis".

MPEP 605.04(c) states in relevant part,


In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. . . . The petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

Applicant has not filed a petition under 37 CFR 1.182 along with the required fee and either an affidavit signed with both names and setting forth the procedure whereby the change of name was effected or a certified copy of the court order. Applicant is advised that the affidavit submitted with the present response is insufficient because it is not signed with both names.

### **CONCLUSION**

A proper response must be filed within TWO (2) MONTHS from the mail date of this decision. A proper response would include a petition under 37 CFR 1.182 along with the required fee and either a properly executed affidavit or a certified copy of a court order. Extensions of time are available under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.

  
Bryan Tung  
PCT Legal Examiner  
PCT Legal Office

Telephone: 703-308-6614 --  
Facsimile: 703-308-6459